THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.12593 OF 2005

Dated: 07-12-2006

Between:

C.Subba Reddy
and two others

… Petitioners

And

The Special Deputy Collector (LA),
Somasila Project (Unit-IV),
Rajampet, Kadapa District
and two others …
Respondents

O R D E R;-

This writ petition is filed by the three petitioners seeking a direction to the respondents to deposit the compensation amount allegedly due to the petitioners, to the credit of E.P.Nos.70 of 1993, 232 of 1993, 233 of 1993 and 231 of 1993 in LAOP Nos.1549 of 1988, 772 of 1988, 767 of 1988 and 773 of 1988 on the file of the Senior Civil Judge, Rajampet.

Petitioners assert that the lands and structures thereon and certain fruit bearing trees, of the petitioners in Kotapadu village, Vontimitta Mandal, Kadapa district were acquired by the respondents due to submersion under the Somasila project. Draft notification under Section 4(1) of the Land Acquisition Act,1894 was issued on 31-10-1980. Eventually, awards were passed on 18.9.1986 and 20.9.1986 respectively. The petitioners sought reference to the Civil Court under Section 18 of the Act. The reference court enhanced the market value and disposed

of the LAOPs.

According to the counter-affidavit filed, the aforementioned EPs were filed for execution of the respective decrees and some amounts having been deposited by the petitioners in the EP and part satisfaction was recorded. The deposited amounts were also withdrawn by the petitioners.

Petitioners assert that the respondents are due further amounts pursuant under the awards of the reference court in the LAOPs. This writ petition is therefore filed.

In view of the case of the petitioners itself that only part satisfaction of the decree was recorded in the EPs, the appropriate remedy for the petitioners is to pursue Execution for the balance amount due and payable under the awards in the LAOPs in the EPs already instituted if pending or by filing separate EPs, in view of the fact that only part satisfaction is stated to have been recorded in the EPs.

In the circumstances of the case, this court is not inclined to adjudicate upon the grievances presented in this writ petition.

The Writ petition is dismissed preserving liberty to the petitioners, to pursue appropriate remedies

for the execution of the awards and decrees in the LAOPs.

The interim order earlier granted by this court is dissolved.

_____

GODA RAGHURAM, J

7th December, 2006
PNV

HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.12593 OF 2005

–
–
–
–
–
–
–
–
–
–
–
–

Dated: 07-12-2006